IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVISION APPLICATION NO.236/2001, 29/2002 & 30/2002

Shri Sanjay Rane,
resident of Sanquelim, Goa. .... Applicant.

V/s.

Shri Ramrao Venkatrao Rane,
Resident of Keri, Sattari, Goa. .... Respondent.

Mr. S.G. Bhobe, Advocate for the applicant.

Mr. M.S. Sonak, Advocate for the respondent.

CORAM : F.I. REBELLO, J.

DATE : JULY 31, 2003.

ORAL JUDGMENT:

In all these civil revision applications, the issue involved is same. The reference is pending before the reference Court. The Applicant claims entire compensation. The respondent claims 50 % of the compensation. An application was moved on behalf of the applicants herein that as there was no dispute over the balance 50 % compensation, he should be allowed to withdraw the same. That was opposed by the respondent herein. The objection found favour with the trial Court and accordingly rejected the application.

2. The controversy, therefore, is whether the respondent would be entitled to object the applicant allowing 50 % which is not claimed by the respondent

herein. The only argument advanced on behalf of the respondent is that the respondent does not accept that the applicant has any title to the land. Even if that be so, no other party has sought reference on the ground that they are owners. The present reference is between the applicant and the respondent. Therefore, what will be in issue will be really the issue in so far as 50 % amount which is involved. At the highest, that would be a dispute in so far as 50 % claimed by the respondent. In the light of that, the impugned order is set aside. The trial Court is directed to make payment of 50 % undisputed amount on mutual terms. Civil Revision application is disposed of accordingly.

F.I. REBELLO, J.

ssm.